

NOTICE OF TYPE III DEVELOPMENT REVIEW APPLICATION AND PUBLIC HEARING

(Form DS1308)



The Department of Community Development has received an application for development review, as described below. This application is subject to public notice and public hearing pursuant to Clark County Code (CCC) Section 40.510.030 and applicable code sections as listed below.

The Clark County Hearings Examiner will conduct the public hearing on **Tuesday December 9, 2004 at 7:00 P.M.**, at **Public Service Center, 1300 Franklin St., Vancouver, Washington, Sixth Floor Suite 680** (see attached map). Parking is available in the parking garage on the north side of the Public Service Center (access off Franklin St.) after 6pm.

At the hearing, the Examiner will consider the following:

Project Name: **HAZEL DELL TOWNE CENTER**

Case Number: **PST2004-00039**

Location: 507 NE 88th Street

Request: The applicant is requesting post decision review approval for the replacement of the originally permitted grocery store use and gas station tenants with Kohl's Department Store. The property is located in the CC zone district and is approximately 10-acres.

Applicant: Kimco Developers, Inc.
Attn: Kurt Kurtti
8383 Wilshire Blvd., Suite 950
Beverly Hills, CA 90211
(323) 866-3500, ext. 108
E-mail - kurt_kurtti@kimcorealty.com

Contact Person: Meridee Pabst
P.O. Box 694
Vancouver, WA 98666
(360) 737-1471; (360) 694-6413
E-mail - meridee.pabst@millernash.com

Property Owner: Hazel Dell Towne Center of Washington, LLC

Hearing Examiner: Joe Turner

Staff Contact: Richard Daviau ext. 4895

Neighborhood Contact: NE Hazel Dell Neighborhood Association
Bud Van Cleve, President
1407 NE 68 Street
Vancouver, WA 98665
Phone - 695-1466
E-mail - BSVANC@aol.com

Date this Public Notices Issued: October 26, 2004

Legal Description of Property: (Parcel Numbers 145298-000; 145305-000; 145371-000; 145766-000; 145768-000; 145769-000; 145770-000; 145771-000; 145773-000; 145774-000; 145780-000; 145783-000; 145786-000; 145790-000; 145795-000; 145796-000; 145800-000; 145815-000) Northeast Quarter & Southeast Quarter of Section 3 Township 2 North Range 1 East of the Willamette Meridian

Approval Standards/Applicable Law:

Clark County Code Sections: 12.05A (Transportation); 12.41 (Concurrency); 13.08A (Sewerage); 13.29 (Stormwater and Erosion Control Ordinance); 13.40 (Water); 15.12 (Fire); Title 18 (Zoning); Title 20 (SEPA); Comprehensive Plan, Arterial Atlas

Application & Fully Complete Date:

Application Filed: September 21, 2004
Fully Complete: October 12, 2004

SEPA Appeal Process:

In accordance with the State Environmental Policy Act (SEPA) and Clark County Code 20.50.030, the County must determine if there are significant environmental impacts associated with this request. The County will review the applicant's submitted SEPA checklist and make a determination in the combined Development Review Staff Report and SEPA Checklist Review to be issued at least fifteen (15) calendar days prior to the hearing.

A Determination of Non-significance (DNS) indicates that identified impacts can be adequately addressed with the application of existing County Codes and development standards. A Mitigated Determination of Non-significance (MDNS) indicates that identified impacts can be adequately addressed with conditions of approval.

Procedural or substantive appeals of a Determination of Non-Significance (DNS) or a Mitigated determination of Non-Significance (MDNS) must be filed in writing with the County within fourteen (14) calendar days of the date the SEPA Determination is issued. There is no SEPA appeal fee for Type III reviews. SEPA appeals will be

considered by the Hearings Examiner at the scheduled public hearing noted above, and decided in the subsequent written decision.

Issues of compliance with existing adopted approval standards and criteria can be addressed in the public hearing without an appeal of the SEPA determination.

Staff Report Timelines/Process:

Staff reports, agendas, and/or SEPA reviews and determinations will be available for review at least fifteen (15) calendar days before the hearing date. Information regarding this application may be obtained by contacting **Richard Daviau at (360) 397-2375, Ext. 4895** at the Clark County Development Services Division, 1300 Franklin Street, Vancouver, Washington. Office hours are from 8:00-5:00 p.m., Monday - Friday.

Information Available on the County Web Page:

- "Weekly Preliminary Plan Review Status Report," (includes current applications, staff reports and final decisions):
(<http://www.clark.wa.gov/commdev/development/propoosedev.html>)
- Pre-Application Conferences and Public Land Use Hearing Agendas:
(<http://www.clark.wa.gov/commdev/development/meetings.html>)
- Applications and Information Handouts for each Type of Land Use Permit:
(<http://www.clark.wa.gov/commdev/development/typespermits.html>)

Public Testimony Process:

Any person wishing to present testimony should arrive by **7:00 p.m.** at the Public Service Center, 6th floor, 1300 Franklin Street, Vancouver, Washington.

Faxed & Written Testimony

Testimony can be faxed to the Development Services Division at (360) 397-2011, Attn: **Angie Merrill**. Written testimony can be mailed or hand delivered to the Development Services Division, Clark County Community Development, 1300 Franklin Street, PO Box 9810 Vancouver, WA 98666-9810.

Faxed, mailed or delivered testimony must be received at the Community Development Customer Service Center by **1:00 P.M., the day of the hearing**. Other written or verbal testimony may be presented and considered at the public hearing. Comments received by two weeks after the notice will be considered in the Staff Report.

Note: If an accurate mailing address for those submitting comment is not included, they will not qualify as a "Party of Record" and, therefore, will not have standing to appeal the decision.

Appeal Process:

The Hearing Examiner normally issues a decision within two weeks of the public hearing. In accordance with Clark County Code 40.510.030(H), appeals of Hearing Examiner decisions must be filed with the Board of County Commissioners within fourteen (14) days of the mailing of the Hearing Examiner's written decision. Hearings Examiner decisions on any SEPA appeal cannot be further appealed to the Board of County Commissioners. Such appeals must pursue judicial review.

Appeals must be in writing and contain a brief statement describing why the Hearing Examiner's decision is in error. The appeal must be accompanied by check in the amount of **\$279**. Checks shall be made payable to the Board of County Commissioners.

Accommodation of Physical Impairments:

The Customer Service Center is wheelchair accessible. For persons requiring auxiliary aids or special arrangements in order to participate in this hearing, please contact the Development Services Division as far in advance of the hearing date as possible. To request these arrangements, please contact **Angie Merrill** at (360) 397-2375, Ext. 4992, or call the Telecommunications Device for the Deaf (TDD) line at (360) 397-6057.

**Public Service Center
Department of Community Development
1300 Franklin Street
P.O. Box 9810
Vancouver, WA 98666-9810
Phone: (360) 397-2375; Fax: (360) 397-2011
Web Page at: <http://www.clark.wa.gov>**